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COMMERCE & TRANSPORT (TRANSPORT) DEPARTMENT

NOTIFICATION

The 12th June, 2023

No.6516—TRN-LC-MISC-0016/2022/T.— In exercise of the powers conferred by sub-section (4) of Section 3 of the Unorganized Workers' Social Security Act, 2008 (Act 33 of 2008), the State Government do hereby make the following scheme for the purpose of providing accidental relief to the members and their dependents, namely:-

1. Short title and commencement.—(1) This Scheme may be called the **Odisha Motor Transport Drivers and Workers' Welfare Scheme, 2023.**

(2) They shall come into force from the date of their publication in the *Odisha Gazette*.

2. **Definitions.** – In this scheme, unless the context otherwise requires, -

(a) “**Act**” means the Unorganized Workers' Social Security Act, 2008 (Act 33 of 2008);

(b) “**Beneficiary**” means the member of the scheme and includes a driver, conductor, cleaner and helper eligible to become a member of the Scheme;

(c) “**Board**” means, the Board constituted under the Odisha Motor Transport Drivers and Workers' Welfare Scheme, 2023;

(d) “**Chairman**” means Chairman of the Board appointed by the Government;

(e) “**Contribution**” means contribution payable by a member under this Scheme;

(f) “**Dependent**” in relation to a beneficiary means any of the relatives as prescribed in their personal law;

(g) “**Employer**” means a person or an association of persons who carry on transport business in respect of transport vehicles and water transport vessel or boat and employed workers such as driver, conductor, helper and cleaner working under him and includes driver who owns a transport vehicle and drives the same and conductor, helper and cleaner working in such vehicle;

(h) “**Employee**” means a person who is employed for wages to work in a professional capacity on a transport vehicle including water transportation or to attend to duties in a transport vehicle or water vessel or boat and includes a driver, conductor,

cleaner and helper and self-employed person in the transport sector who drives transport vehicle himself or herself;

(i) **"Family"** means-

(i) in the case of male member, his wife, children, whether married or unmarried, dependent parents and the widow and children of a deceased son of the member; and

(ii) in the case of a female member, her husband, children, dependent parents and the widow and children of a deceased son of the member.

(j) **"Fee"** means fee paid by a member to the fund for registration and renewal;

(k) **"Form"** means a form prescribed by the Board under this Scheme;

(l) **"Fund"** means Odisha Motor Transport Drivers and Workers' Welfare Fund;

(m) **"Government"** means Government of Odisha;

(n) **"Motor Transport Drivers and Worker"** means a person who is employed and remunerated by owner of a transport vehicle and includes a driver, conductor, helper and cleaner including Water Transport or owner of transport vehicle or boat who drives the vehicle and employed conductor, helper and cleaner;

(o) **"Section"** means Section of the Act;

(p) **"Self-employed worker"** means any person who is not employed by an employer but engages himself or herself in transport sector and operates transport vehicles with a monthly earning of an amount to be decided by the Odisha Motor Transport Drivers and Workers' Welfare Board; and

(q) **"Year"** means the calendar year.

3. Constitution of the Board. - (i) The State Government by Notification shall constitute a Board namely, Odisha Motor Transport Drivers and Workers' Welfare Board to exercise the powers and functions as may be specified by the Government in the notification.

(ii) The Board shall consist of the following members, namely:-

(a) Any person nominated by the Government – Chairperson;

(b) Principal Secretary/Secretary, C & T Dept. – Ex-Officio Member;

(c) Transport Commissioner – Member Secretary;

(d) Labour Commissioner – Member;

(e) Two Officers from State Transport Authority – Members;

(f) Two Officers from the Office of Transport Department - Members;

(g) Other Members to be nominated by the Government:-

(i) three representatives of Motor Transport Drivers;

- (ii) three representatives of Motor Transport Workers;
- (iii) two representatives of Motor Transport employers;
- (iv) two members of Odisha Legislative Assembly;
- (v) two eminent persons from civil society

4. Powers and functions of the Board. - (1) The Board shall, -

- (a) maintain and administer the Odisha Motor Transport Drivers and Workers' Welfare Fund and collect the contributions towards that Fund;
- (b) subject to the provisions of this Scheme, any property vested with the Board shall be held and utilized by it only for the purpose of this Scheme;
- (c) have the authority to spend such sum out of the Fund, as it thinks fit for the purposes of this Scheme;
- (d) keep proper accounts for all receipts and expenses incurred out of this fund;
- (e) submit annual budget and expenditure to the Government;
- (f) submit annual report to the Government on the working of welfare scheme of Motor Transport Drivers and Workers;
- (g) submit to the Government, copies of all proceedings of the meetings of the Board;
- (h) make all necessary arrangements for the annual audit of accounts of the Board in accordance with the instructions issued by the Government; and
- (i) furnish information to Government on such matters as the Government may require, from time to time.

(2) In addition to the above, the Board may also,-

- (a) accept deposits, donations from persons, authorities or establishments or corporate bodies etc. on such conditions as it deems fit;
 - (b) receive contributions from Government;
 - (c) specify forms, records, registers and statements, if so required, in addition to such of those forms, records, registers and statements appended to this Scheme, for the administration of the Scheme and revise any of such forms, records, registers and also specify production of additional certificates, records along with such forms, statement; and
 - (d) make recommendations to the Government about modifications which are considered necessary in this Scheme.
- (3) Subject to the other provisions of the Scheme, the Board may take such measures, as it may consider necessary for implementing the welfare scheme for driver, conductor, helper and cleaner working in transport vehicle including self-employed person driving transport vehicle.

- 5. Member Secretary.** - The Member Secretary shall, with the approval of the Chairman of the Board, issue notices to convene meetings of the Board and keep the record of minutes and shall take necessary steps for carrying out the decisions of the Board.
- 6. Appointment of Officers.** - (1) The Government may appoint a Chief Accounts Officer of the Board from OFS cadre in the rank not below Joint Secretary.
- (2) The Government may also appoint as many Officers as may be necessary on deputation from the Labour Department or from any other departments or undertakings or Corporations or Boards of the State Government or by direct recruitment as officers of the Board for the purpose of implementation of this Scheme.
- (3) The Government may also appoint as many Inspectors and staff as may be necessary on deputation from Labour Department or from any other departments or undertakings or Corporations or Boards of the State Government or by direct recruitment for the purpose of implementation of this Scheme.
- 7. Member Secretary of the Board, to be public servants.** - The Member Secretary and other Government officers and staff of the Board appointed under this Scheme shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).
- 8. Administrative and financial powers of the Member Secretary** - (1) The Member Secretary of the Board may, without reference to the Board, sanction expenditure on contingencies, services and purchase of articles, subject to the limit up to which he may be authorized by the Board by way of resolution to sanction expenditure with such restrictions imposed by the Board.
- (2) The Member Secretary may also exercise such administrative and financial powers other than those specified in sub-rule (1) above, as may be delegated to him, from time to time, by the Board.
- 9. Opening of district and local offices.** - The Board may, with the approval of the Government, open district and local offices as it may consider necessary for the purpose of implementation of this Scheme.
- 10. Registration of Motor Transport Drivers and Workers.** - (1) Any Motor Transport Driver or Worker who has completed the age of 18 years, but not completed 60 years, may register his or her name with the Board to become a member of the Scheme.

- (2) Application for such registration shall be made online in the web portal of Transport Department and upload copy of certificate of employment issued by any of the persons or officers specified below, namely:-
- (a) Employer of any Motor Transport Driver or Worker;
 - (b) Self-employed driver of a transport vehicle;
 - (c) President or Secretary of the recognized and registered Trade Union;
 - (d) Assistant Labour Officer or Inspector of Motor Vehicles of Transport Department; and
 - (e) Revenue Inspector.
 - (f) Any authority/officer as decided by the Government
- (3) Application Fee of Rupees Two Hundred (Rs. 200.00) shall be paid online by Motor Transport Driver or Worker at the time of making application for registration or renewal thereof. The registration made under this Scheme shall be valid for a period of five (05) years unless terminated earlier by the Board.
- (4) Every registered Motor Transport Driver or Worker whose name has been registered under this Scheme will be issued with an identity card free of cost by the Board or district or local office or can be downloaded from web portal after the approval of Board.
- (5) In case of loss of the identity card, a duplicate identity card will be issued by the Board or district or local office on an application made by the Motor Transport Driver or Worker on payment of Rupees Twenty (Rs. 20.00) along with a police report to that effect.
- (6) (a) Every registered Motor Transport Driver or Worker shall furnish his or her name, address, relationship of the nominee and other details in web portal at the time of registration to whom the benefits shall be payable in the event of his or her death.
- (b) If a Motor Transport Driver or Worker has a family at the time of making a nomination, the nomination shall be made in favour of one or more members of his or her family.
- (c) If at the time of making a nomination, the Motor Transport Driver or Worker has no family, the nomination may be made in favour of any person or persons.
- (i) If the Motor Transport Driver or Worker subsequently acquires a family, such nomination shall forthwith become invalid and the Motor Transport Driver or Worker shall make, within ninety days of acquiring a family, a fresh nomination in favour of one or more members of his or her family; and
- (ii) a nominee predeceases the Motor Transport Driver or Worker, then he/she shall make a fresh nomination in respect of such interest.

11. Suspension and cancellation of membership. - (1) The Member Secretary of the Board may, if he or she has any reasonable cause to believe that the membership or benefit under these Scheme has been secured by a registered Motor Transport Driver or Worker by making any statement in relation to any application or the registration, which is incorrect or false in any material particular or has contravened any of the provisions of this Scheme, or any rule or scheme framed, suspend such membership pending completion of any enquiry against the holder of such membership.

(2) The Member Secretary may, after making such inquiry as he may think fit, if he is satisfied, that the holder of a membership has made a false or incorrect statement of the nature referred to in sub-clause (1) above, or has contravened any provision of the Scheme, cancel such membership;

Provided that, no order shall be passed for cancellation of membership without giving an opportunity of being heard.

(3) Every person whose membership has been cancelled shall forfeit all his/her claims under this Scheme.

(4) Any registered Motor Transport Driver or Worker aggrieved by the orders passed by the Member Secretary referred to in sub-clause (2) above, may prefer an appeal to the Chairman of the Board within thirty days from the date of receipt of such orders. The Member Secretary may, for reasons to be recorded in writing, dispose of the appeal within ninety days after giving an opportunity of being heard to the aggrieved Motor Transport Driver or Worker. The orders passed by the Chairman shall be final. Free copy of order will be communicated to Motor Transport Driver or Worker.

12. Maintenance of registers. - (1) The Board shall, -

(1) maintain a Register of Contribution in the prescribed format;

(2) maintain an Inspection Register in which the Inspector appointed for the purpose of the scheme may inspect such register and record and point out his remarks regarding any defects that may come to light at the time of his inspection;

(3) preserve the records relating to a calendar for future reference; and

(4) maintain a Register of Members under this scheme in electronic form in web portal.

13. Contributions. – (1) The contribution payable under this Scheme to the Board by an employer (herein after referred to as the employers' contribution”) and the grant made to the Board by the Government, from time to time, shall be a part of the Fund.

(2) All remittances payable to the Fund shall be rounded off to the nearest rupee.

14. Constitution of Fund. - (1) The fund for "the Odisha Motor Transport Drivers and Workers Welfare" shall be maintained separately by the Board under which following shall be credited, -

- (a) all contributions received by the Board from the Government as grant for Transport Drivers or workers, and from the employers of such Drivers or workers. The Government grant shall be extended for the initial period of three years based on the requirements of the Board. Thereafter the Board will manage the fund from its own resources;
 - (b) all contributions or donations received by the Board from any other source specifically for the Transport Drivers and workers;
 - (d) interest on investments in securities and deposits and rents;
 - (e) all amount received by way of interest charged for the delayed payment of contribution; and
 - (f) all amount received by the Board in any other manner or from any other source for those members.
- (2) All amount received by the Board and forming part of the Fund shall be kept in any of the Nationalized Banks as may be specified by the Board, from time to time.

15. Renewal of registration. - (1) Every Motor Transport Driver or Worker whose name has been registered under this Scheme, shall renew his/her registration before expiry of the period of five years.

- (2) A registered Motor Transport Driver or Worker who fails to renew his registration shall cease to be member automatically. No specific orders on the cessation of membership need be issued under this Scheme.
- (3) A registered Motor Transport Driver or Worker whose membership ceased may be re-admitted by the Member Secretary or any other officer authorized in this behalf by the Board after due verification with medical test.
- (4) Notwithstanding his/her re-admission, he/she shall not be eligible to claim any benefits that may become due during the period of non-renewal.

16. Intimation about change of employer, employment, place. - Every registered Motor Transport Driver or Worker who leaves or changes his service under an employer or changes his scheduled employment to another or migrates from one place to another place shall, within thirty days of such change, intimate the Member Secretary or any other officer authorized by the Board in this regard in writing by registered post or speed post or delivered in person or by e-mail or in website link provided for the purpose.

17. Utilization of Fund. – (1) Board shall act as Trustee to the fund.

- (2) The Board may invest certain amount out of the fund or grant received from the Government or donations or contributions from other sources in any Nationalized Banks or any other mode of deposit which offers highest rate of interest and where such deposit shall be secured. Prior approval of Government may be taken in this regard.

18. Personal Accidental Relief. – (1) A registered Motor Transport Driver or Worker when met with an accident will be eligible for personal accident compensation;

- (2) In case of death, Rupees Four lakhs only (Rs. 4,00,000/-) to be awarded to the nominee as specified under this Scheme;
- (3) In case of grievous injury, Rupees Eighty thousand only (Rs. 80,000/-) to be awarded in case of loss of two limbs and Rupees Forty thousand only (Rs.40,000/-) in case of one limb;
- (4) In case of permanent disablement Rupees One lakh Fifty thousand only (Rs.1,50,000/-) to be awarded to the Motor Transport Driver or Worker; and
- (5) In case of normal death Rupees Two lakhs only (Rs. 2,00,000/-) to be awarded to the nominee;

Explanation: for the purpose of this clause, accident means any bodily injury or death or permanent disablement caused solely or directly from accident in course of employment but does not include any intention of self-injury, suicide, attempted suicide, injury caused while under the influence of intoxicating liquor or drugs or resulting from the injured worker committing any breach of law or Scheme, regulations or instruction issued by the Government or Board from time to time.

20. Claim. – (1) Soon after occurrence of any accident while in course of employment of Motor Transport Driver or Worker resulting death or grievous injury or permanent disablement, the employer or nominee or representative of trade union shall send a report to the Member Secretary of the Board and to the Police in the format to be prescribed by the Board within thirty days of such incident. The Member Secretary of the Board may authorize any officer of the Board to cause an inquiry into the incident and furnish his report for decision of the Board;

- (2) In case of death of registered Motor Transport Driver or Worker due to accident, death certificate and post-mortem certificate issued by competent authority shall be produced by the claimant along with Legal Heir Certificate;
- (3) In case of injury, claim should be made by the Motor Transport Driver or Worker; and

- (4) In case of permanent disablement due to accident, the Motor Transport Driver or Worker should produce a medical certificate issued by the Medical Board of the District concerned.
- (5) The procedure for sanctioning of the claim may be decided by the Board from time to time for smooth administering of the welfare fund.
- 21. Insurance.** – (1) The Board may consider to include Motor Transport Drivers and Workers under Insurance coverage due to death or injury or permanent disabled during employment. Amount of insurance premium payable on behalf of the Motor Transport Driver or Worker will be decided by the Board
- (2) The Board may decide to provide any other benefits to the members and the nature and quantum of such benefit will be decided by the Board in accordance with the resources available with it.
- 22. Other Benefits.** – (1) Members will be included under Biju SwastyaKalyanYojana (BSKY) and members after attaining the age of 60 years will be eligible under Madhubabu Pension Scheme as per the eligibility. Concerned Departments will be requested by Commerce & Transport Department for inclusion of the same in their guidelines.
- (2) Board may consider to co-ordinate with various Government Departments to avail the welfare schemes of the State Government for the members as per their eligibility.
- 23. Powers of Government** – (1) If any question arises relating to the interpretation of this Scheme or any modification of the Scheme, it shall be referred to Government for decision.
- (2) The State Government reserves the right to issue any direction to the Board as and when required .Decision of State Government is final and binding.
- 24.** This Scheme will be operational till separate Act & Rules are framed by the State Government for this purpose.

By Order of the Governor
 USHA PADHEE
 Principal Secretary to Government